IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 5TH NOVEMBER 2007 / 14TH KARTHIKA 1929

WP(C).No. 33701 of 2006(K)

PETITIONER:

P.V.KUNHAMBU, S/O.O.K.AMBU,
USHUS, MAVICHERI P.O., PAYYANNUR,
KANNUR DISTRICT.

BY ADV. SRI.G.SUKUMARA MENON

RESPONDENTS:

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1. THE KASARAGOD DISTRICT,
CO-OP. BANK LTD. NO. 4367,
KASARAGOD, REP. BY ITS GENERAL MANAGER.

2. THE LIFE INSURANCE CORPORATION OF INDIA,
REP. BY THE SENIOR DIVISIONAL MANAGER,
DIVISIONAL OFFICE, KOZHIKODE.

BY ADV. SMT.PRABHA R.MENON

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC. 33701/2006.

APPENDIX

PETITIONER'S EXTS:

EXT. P1 : TRUE COPY OF CERTIFICATE NO.B/2006/07 DATED 14.7.2006 OF THE 1ST RESPONDENT ISSUED TO THE PETITIONER.

EXT. P2 : TRUE COPY OF MASTER POLICY NO.G.G.J.44771 OF THE LIC OF INDIA.

EXT. P3 : TRUE COPY OF LETTER DATED 21.8.2006 OF THE 1ST RESPONDENT ISSUED TO THE PETITIONER.

RESPONDENT'S EXTS:

EXT. R2-A : TRUE COPYOF THE RULES OF THE POLICY SCHEME OF 1ST RESPONDENT.

EXT. R2-B : TRUE COPY OF THE COST BENEFIT SCHEDULE FOR RENEWAL OF SCHME DATED 20.6.2005.

EXT. R2-C : TRUE COPY OF THE LETTER DATED 16.6.2006 OF 2ND RESPONDENT EFFECTING PAYMENT.

EXT. R2-D : TRUE COPYOF THE ACKNOWLEDGMENT DATED 22.6.2006 OF 1ST RESPONDENT.

K.M.JOSEPH, J.

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WP.(C) No. 33701 of 2006

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Dated this the 5th day of November, 2007

JUDGMENT

Petitioner retired from the first respondent Bank on 30.6.2006. His claim for better terms of gratuity is declined. He challenges the same. According to the petitioner the second respondent is an insurance company. Apparently there is a group insurance and under the same an amount of Rs.3,50,000/- was paid to the petitioner.

2. Counsel for the second respondent submits that there is an insurance policy for Rs.3,50,000/- and that has been paid over to the first respondent and it is not in dispute that the said amount has been received by the petitioner. The claim of the petitioner is on the basis of the Payment of Gratuity Act. This is a dispute between the petitioner and the first respondent. I think that the petitioner has an alternate remedy.

Without prejudice to the right of the petitioner to work out his remedies in the appropriate forum, the writ petition is closed.

(K.M. JOSEPH, JUDGE)

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